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Smart Said Her Defense Would Be: I Never Paid Them Money



PAMELA SMART and defense attorney Paul Twomey listen to recorded conversations between Smart and Cecelia Pierce played yesterday in Rockingham County Superior Court.

George Naum/Union Leader

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EXETER — Although Pamela Smart said she might have to admit to her affair with a 16-year-old student, she said she would never admit to asking him and his friends to kill her husband because she never paid them, according to tapes played yesterday.

"... you're gonna have to send me to the f----- slammer for the rest of our entire life," Smart said to Cecelia Pierce in one of the tapes.

Smart, 23, told police after her husband was murdered that she wanted to do all she could to help them find the killers, but she didn't know she would unwittingly help police build a case against her when she discussed the crime with her 16-year-old friend Pierce.

According to Derry Police Detective Daniel Pelletier, Pierce wore a hidden tape recorder to record conversations with Smart, then a director of media services for SAU 21 in Hampton. Pierce was Smart's student intern at the media center and had told police she had been present for some of the alleged murder planning sessions between Smart and her 16-year-old lover, William Flynn, according to court documents.

"Even if they have a phone ... conversation or something ... with me and Bill, then I'd have to admit that, yes, I was having an affair with Bill; I am never going to admit it, the fact that I asked, that I told him that I hired them 'cause I never paid them money, I never hired them," Smart said on one of the tapes.

The secret tapes Pierce made for police were played yesterday during the eighth day of Smart's trial for plotting and helping to carry out the murder of her husband.

The playing of the tapes marked the near-conclusion of the state's presentation of evidence

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in the trial. Prosecuting attorneys are expected to complete their case today with the testimony of Pierce.

The defense is expected to begin its case Monday. A source close to the case said it is likely Smart will take the stand on her own behalf.

Flynn, now 17, Patrick "Pete" Randall, 17, and Vance "J.R." Lattime Jr., 18, have admitted they carried out the May 1 killing of Gregory Smart in his Derry home and ransacked the house to look like a burglary.

A fourth teen, Raymond Fowler, 19, is awaiting trial on charges stemming from an earlier attempt on Smart's life and for allegedly cleaning the May 1 murder weapon.

According to the teens' testimony, Flynn shot Smart in the head while Randall held him down. Lattime supplied the .38-caliber handgun and drove the getaway car. Flynn said he killed Smart's husband at her request, because he loved her and she told him that was the only way they could be together.

But in June and July, when the recordings were made, the teens had yet to plead guilty to the crime.

"If you tell the f----- truth, you are probably going to be arrested, and even if you're not arrested you're gonna have to go, and you're gonna have to send Bill, you're gonna have to send Pete, you're gonna have to send J.R. and you're gonna have to send me to the f----- slammer for the rest of our entire life and unfortunately that's the situation you're in," Smart told Pierce.

Pierce first recorded three conversations with Smart via a phone tap, Pelletier said. However, one conversation was ruled inadmissible by Rockingham County Superior Court Judge Douglas Gray who said it was inaudible.

In the two phone conversations played for the jury yesterday Smart denied any involvement with Flynn or in the planning of the murder.

"Why would I, why would a 22-year-old woman like me be having an affair with a 16-year-old high school student. That's just ridiculous and people will not believe that," Smart said.

During a later face-to-face conversation between Pierce and Smart on a hidden tape recorder worn by Pierce, Smart indicated she was afraid her phone might be tapped.

"I don't know if my phone's been tapped, but if it was there was a time when I was talking to you on the phone and you said to me 'Uh, you should have

got divorced,'" Smart said, referring to a conversation June 19. "Hopefully my phone wasn't tapped when you said that cause I coulda s--- when you said that."

After Pierce expressed fears about having to lie about her prior knowledge of the crime, Smart told her not to worry — it would be Pierce's word against the three teens.

"You are better off just lying," Smart told Pierce on July 13, adding that "They (police) are not going to believe Bill and Pete on the witness stand against you. I mean come on, they're ... on trial for murder, ya know."

Pierce at one point suggested that if Fowler hadn't talked about the crime it "would have been the perfect murder."

"Right," Smart replied.

"... because they set everything up ... to look like a burglary just like you said," Pierce told her.

"No s---," Smart said. "So it's not my fault."

On July 13, just over two weeks before she was arrested, Smart expressed fear Lattime would "roll" and blame the crime on her.

"That's when I'm going to be arrested but I can probably get out of it because they are not going to have any proof, ya know," Smart said.

"He's going to say you knew about it before it happened, which is the truth," Pierce said.

"Right," Smart answered. "Well, so then I'll have to say no, I didn't, and then they're gonna believe me or they're gonna believe J.R., 16 years old in the slammer. And then, who me, with a professional reputation and a course that I teach that's the thing."

In a conversation recorded the day before Smart told Pierce the teens were old enough to make their own decisions.

"They did this all. I did not force anybody to do anything — they made their own decisions."

During testimony this week, Flynn admitted he and Fowler went to Derry to kill Gregory Smart approximately a month before the actual murder.

Pamela Smart left her car with the keys in it for them to take to Derry, Flynn said.

Pierce made reference to the earlier, botched attempt to kill Smart, saying things would have been different if that attempt had been successful.

"I know, but it's history now, cause ya know, we can't talk about s--- that should have happened (Inaudible) should have happened though, ya know," Smart said.